

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jang et al.

Serial No.: 09/470,026

Examiner: Sirmons, K.

Filed: December 22, 1999

Group Art Unit: 3763

For: ENDOLUMINAL OCCLUSION-IRRIGATION CATHETER WITH
ASPIRATION CAPABILITIES AND METHODS OF USE

Docket No.: 1001.1425101

Assistant Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of EL811912654US., in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231 on this 25 day of October, 2001.

By

JoAnn Lindman
JoAnn Lindman

Dear Sir:

This communication is in response to the Restriction Requirement dated September 25, 2001, setting a one-month shortened statutory period for response ending October 25, 2001.

This response is being filed within the set period such that no extension of time is necessary.

In the Restriction Requirement, the Examiner restricted the invention into three groups; namely, Group I drawn to an endoluminal aspiration catheter, classified in class 604, subclass 96 (claims 1-20); Group II drawn to a method for treatment of a vascular lesion using a self-expanding stent, classified in class 604, subclass 500 (claim 21); and Group III drawn to a method for treatment of a vascular lesion using infusion fluid through the irrigation port, classified in class 604, subclass 509 (claims 30, 36 and 42).

By this response, Applicants elect, without traverse, the invention of Group II, corresponding to claim 21 in the Application.

It is asserted in the Restriction Requirement that the Application contains claims directed to three patentably distinct species of the claimed invention. In particular, the Examiner contends that Species I (relating to Figs. 1-5, 11 & 12), Species II (relating to Figs. 6, 7, 11 & 12), and Species III (relating to Figs. 8-12) are all patentably distinct species. Moreover, the Examiner asserts that "Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable."

Pursuant to 37 C.F.R. § 1.146, Applicants elect, without traverse, Species III (Figs. 8-12) for prosecution on the merits.

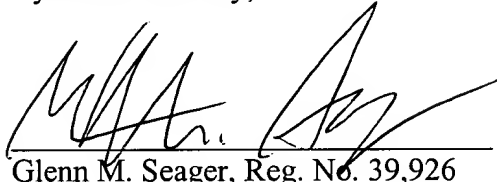
If the Examiner would like to discuss the application or its examination in any way,
please call the undersigned attorney at (612) 677-9050.

Respectfully submitted,

YUE-TEH JANG, ET AL.

By Their Attorney,

Date: Oct. 25, 2001



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